

## **REMARKS**

### **Summary of the Office Action**

Claims 1 and 6 stand rejected on the ground of nonstatutory obviousness-type double patenting over U.S. Patent No. 7,345,660 to *Mizukoshi et al.* in view of U.S. Patent Publication No. 2001/0024186 to *Kane et al.*

Claims 1, 2, and 5 stand rejected under 35 U.S.C. § 102(b) as allegedly being anticipated by *Kane et al.*

Claims 3, 4, 6, and 7 stand allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

### **Summary of the Response to the Office Action**

Applicants have amended claims 1 and 4. Applicants have canceled claim 3. No new matter has been introduced.

Accordingly, claims 1, 2, and 4-7 are presently pending.

### **Double Patenting**

Claims 1 and 6 stand rejected on the ground of nonstatutory obviousness-type double patenting over *Mizukoshi et al.* in view of *Kane et al.* Independent claim 1 has been amended to incorporate the features of claim 3. Claim 3 does not stand rejected on the ground of nonstatutory obviousness-type double patenting. Accordingly, the double patenting rejection is moot and should be withdrawn.

### **All Claims Recite Allowable Subject Matter**

Claims 1, 2, and 5 stand rejected under 35 U.S.C. § 102(b) as allegedly being anticipated by *Kane et al.* Claims 3, 4, 6, and 7 stand allowable if rewritten in independent form including

all of the limitations of the base claim and any intervening claims.

Without acquiescing the rejections under 35 U.S.C. § 102(b) and in order to expedite prosecution of this application, independent claim 1 has been amended to incorporate the features of claim 3 which the pending Office Action indicated as allowable.

Because *Kane et al.* fails to teach or suggest each feature of independent claims 1, the rejection under 35 U.S.C. § 102(b) should be withdrawn. Furthermore, claims 2 and 4-7 depend from independent claim 1. Accordingly, claims 2 and 4-7 are also allowable because of the additional features they recite and the reasons stated above.

### **CONCLUSION**

In view of the foregoing, Applicants respectfully request reconsideration and the timely allowance of the pending claims. Should the Examiner feel that there are any issues outstanding after consideration of the Response, the Examiner is invited to contact the Applicants' undersigned representative to expedite prosecution.

**EXCEPT** for issue fees payable under 37 C.F.R. § 1.18, the Commissioner is hereby authorized by this paper to charge any additional fees during the entire pendency of this application including fees due under 37 C.F.R. §§ 1.16 and 1.17 which may be required, including any required extension of time fees, or credit any overpayment to Deposit Account No.

50-0310. This paragraph is intended to be a **CONSTRUCTIVE PETITION FOR  
EXTENSION OF TIME** in accordance with 37 C.F.R. § 1.136(a)(3).

Respectfully submitted,

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